



Crl.O.P.No.4802 of 2022

Dr.G.JAYACHANDRAN,J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under sections **7(1)(a)(ii) of Essential Commodities Act, 1955, Section 3(4) of Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998**, who has arrayed as second accused in Crime No.61 of 2022 on the file of the respondent police, seeks anticipatory bail before this Court.

2. According to the petitioner, the petitioner is an authorized contractor for transporting oil to the oil company agency by name Ashwin Oil Agency. While so, the oil tanker leased by the petitioner and driven by the first accused was intercepted by the respondent police on 19.02.2022 near Fishing Ship Yard, Kasimedu and the same was seized by the respondent police for want of bill and other documents.



3. In fact, the first respondent has produced all the necessary invoices for transporting the bio-waste oil, however that was ignored by the respondent police and FIR has been registered against the petitioner as an absconding accused. Certain invoices to indicate that the petitioner is an authorized transporter of contractors M/s. WESTART Communication India Private Limited and M/s. The Premier Precision Surface are also annexed along with this anticipatory bail petition.

4. The learned Government Advocate (CrI.Side) states that the petitioner was transporting adulterated diesel in his vehicle with the help of A1 and the same was intercepted and seized.

5. Considering the rival submissions made by the Counsels on either sides, this Court is of the view that proper investigation is suffice to grant anticipatory bail **on condition that the petitioner herein to appear before the respondent police daily at 10.30 a.m. for 30 days**, so as to enable the respondent to complete the investigation on time.



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CrI.O.P.No.4802 of 2011

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the **Learned VI Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- each (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) **the petitioner shall report before the respondent police daily at 10.30 a.m. for 30 days.**



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CrI.O.P.No.4802 of 2022

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

02.03.2022

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